

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

November 6, 2006

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Jacqueline Marsh, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
<input checked="" type="checkbox"/>	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
<input checked="" type="checkbox"/>	Other: Certificate of Approval

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:**HISTORIC DISTRICT COMMISSION****Approval of Certificate of Approval:**

HAWP-56E Applicants: Mark and Karyn Ryan
17 Walker Avenue, Garage replacement

SUPPORTING BACKGROUND:

At their meeting of October 5, 2006, the HPAC held a public hearing on this application for garage replacement. This is a contributing resource to the Brookes, Russell, Walker Historic District.

The applicants are proposing to replace an existing 377-square foot garage with a new garage of the same size and style. The garage will have hardi-plank siding and cementitious shingles that will match the house. The proposed garage will be located in the same footprint as the existing garage.

At the HPAC meeting, *Mr. Michael Stumborg, 15 Walker Avenue*, expressed his support for the project as the adjoining property owner to the right.

Due to the fact that the existing garage is approximately one foot from the side property line, it is a nonconforming structure. The applicants sought Planning Commission approval to replace the nonconforming garage with a new garage in the same location per §24-21.1 of the City's Zoning Ordinance. The Planning Commission granted approval on November 1, 2006.

The HPAC unanimously recommended approval, finding the request to be in compliance with Secretary of Interior Standard Nine, which states new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the hold and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The existing structure to be removed does not characterize the property. The new garage will capture the character of the existing home.

DESIRED OUTCOME:

Vote on HAWP-56E.

Further, the request is in compliance with Standard Six, which states deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and where, possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence. The existing garage is significantly deteriorated and requires replacement. The proposed garage matches the style of the original.

This application is also in conformance with the design guidelines of the Brookes, Russell, Walker Historic District.

Staff and HPAC recommend the HDC make the following motion:

Grant approval of HAWP-56E and issue the Certificate of Approval, finding, based on the record before HPAC and for the reasons articulated by HPAC, that the application meets Secretary of Interior Standard Nine and Six, and the Brookes, Russell, Walker Historic District Guidelines.

HPAC Public Hearing – October 5, 2006
HDC Review – November 6, 2006

**INDEX OF MEMORANDA
HAWP-56E**

**Applicant: Karyn and Mark Ryan
17 Walker Avenue
Replacement garage**

Number	Exhibit
1.	Application
2.	House location plat showing garage location
3.	Photographs of existing garage
4.	Example of garage door style
5.	Required Fire Resistance Ratings Between Structures
6.	“Garages” from the Brookes, Russell, Walker Historic District Guidelines
7.	Section 24-21.1 “...alteration of nonconforming structures”
8.	Notice to include legal ad for public hearing in the September 27, 2006, <i>Gaithersburg Gazette</i>
9.	Public hearing notice, sent out September 25, 2006, to the required parties
10.	Garage plans and elevations
11.	By Reference: Brookes, Russell, Walker Historic District Guidelines
12.	By Reference: Annotated Code of Maryland, Article 66B, Historic Resources
13.	By Reference: Secretary of Interior Standards for Rehabilitation
14.	By Reference: HD-14 Designation Documents
15.	By Reference: Qualifications of HPAC, HDC, and staff
16.	By Reference: Historic Preservation Ordinance
17.	Revised north elevation, received at HPAC meeting, October 5, 2006
18.	DRAFT HPAC minutes, October 5, 2006
19.	Staff Comments for SP-06-0010 (HAWP-56E), presented at November 1, 2006 Planning Commission meeting



City of Gaithersburg • 31 South Summit Avenue • Gaithersburg, Maryland 20877 • Telephone: (301) 258-6330 • Fax: (301) 258-6336
 plancode@gaitthersburgmd.gov • www.gaithersburgmd.gov

HISTORIC AREA WORK PERMIT APPLICATION

In accordance with Chapter 24, Article XII of the City Code.

Application Number	<u>HAWP-56E</u>
Date Filed	<u>9-19-06</u>
Application Completed	<u>9-27-06</u>
HPAC Hearing/Review	<u>10-5-06</u>
HDC Hearing/Review	<u>11-6-06</u>
Decision	_____
Date of Decision	_____

1. SUBJECT PROPERTY

Address 17 Walker Avenue
 Lot 17 Block _____ Subdivision Brookes Walker Historic District
 Tax Account Number _____

2. APPLICANT/OWNER/AUTHORIZED AGENT

Name Mark & Karyn Ryan Telephone 301-947-7920
 Address 17 Walker Avenue Gaithersburg MD 20877

3. OWNER OF RECORD (IF NOT APPLICANT)

Name Same Telephone _____
 Address _____

2. TYPE OF WORK (CHECK APPROPRIATE)

- ☒ Visible from public way
☐ Not visible from public way
- | | | | |
|------------------------------------|---|--|---|
| <input type="checkbox"/> Fence | <input type="checkbox"/> Windows | <input type="checkbox"/> Additions | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Signage | <input type="checkbox"/> Siding | <input type="checkbox"/> Relocation | <input checked="" type="checkbox"/> In-kind Replacement |
| <input type="checkbox"/> Parking | <input type="checkbox"/> Roofing | <input type="checkbox"/> Restoration | <input type="checkbox"/> Utilities (meters, cables, etc.) |
| <input type="checkbox"/> Landscape | <input type="checkbox"/> Accessory Building | <input checked="" type="checkbox"/> Demolition | <input type="checkbox"/> Miscellaneous |

4. DESCRIPTION OF PROPOSED WORK

Replace existing garage with new garage in existing footprint. New garage to be similar style to existing.

5. HISTORIC AREA WORK PERMIT PROCESS AND APPLICATION SUBMISSION REQUIREMENTS (SEE PAGES 2-7)

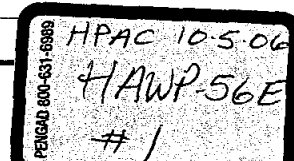
I have read and understand the attached information regarding process and requirements in obtaining a Historic Area Work Permit.

Signature

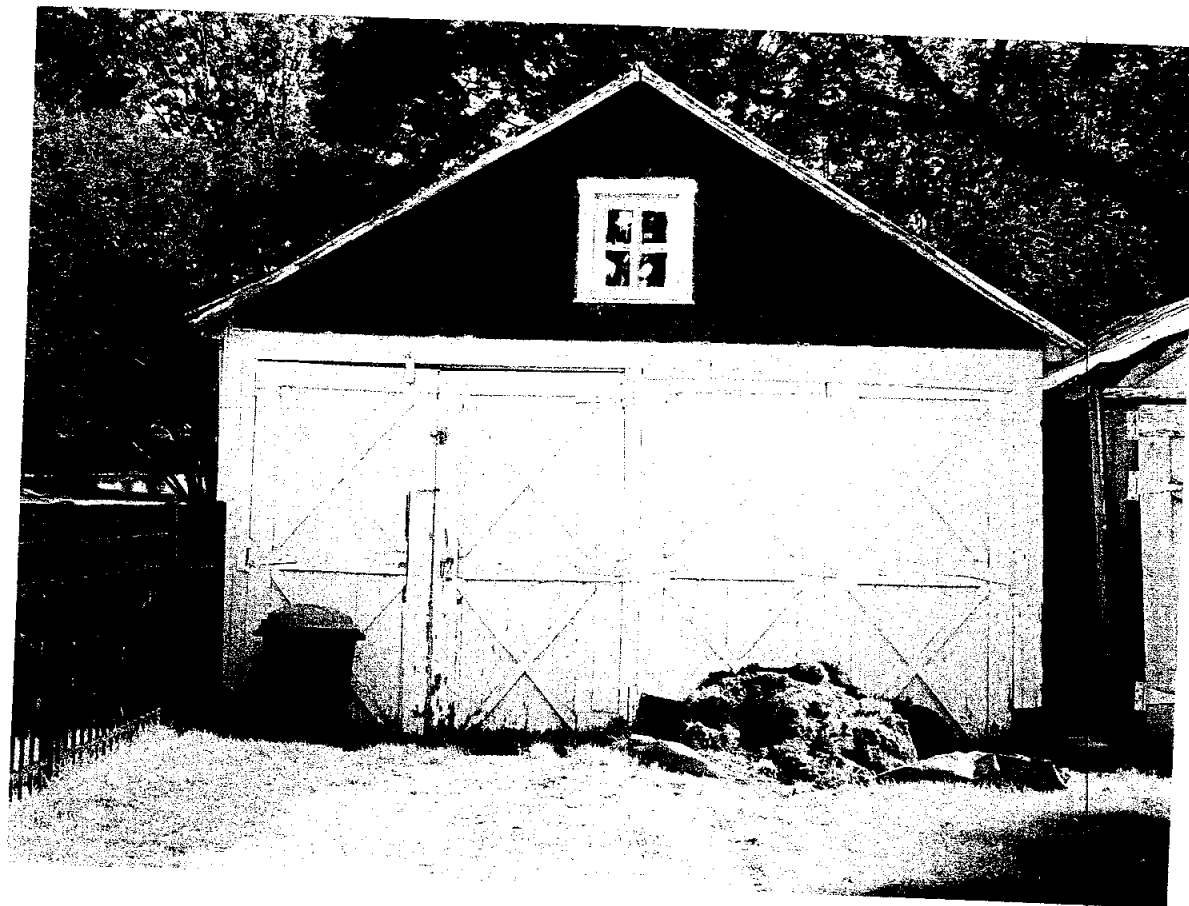
Mark A. Ryan

Date

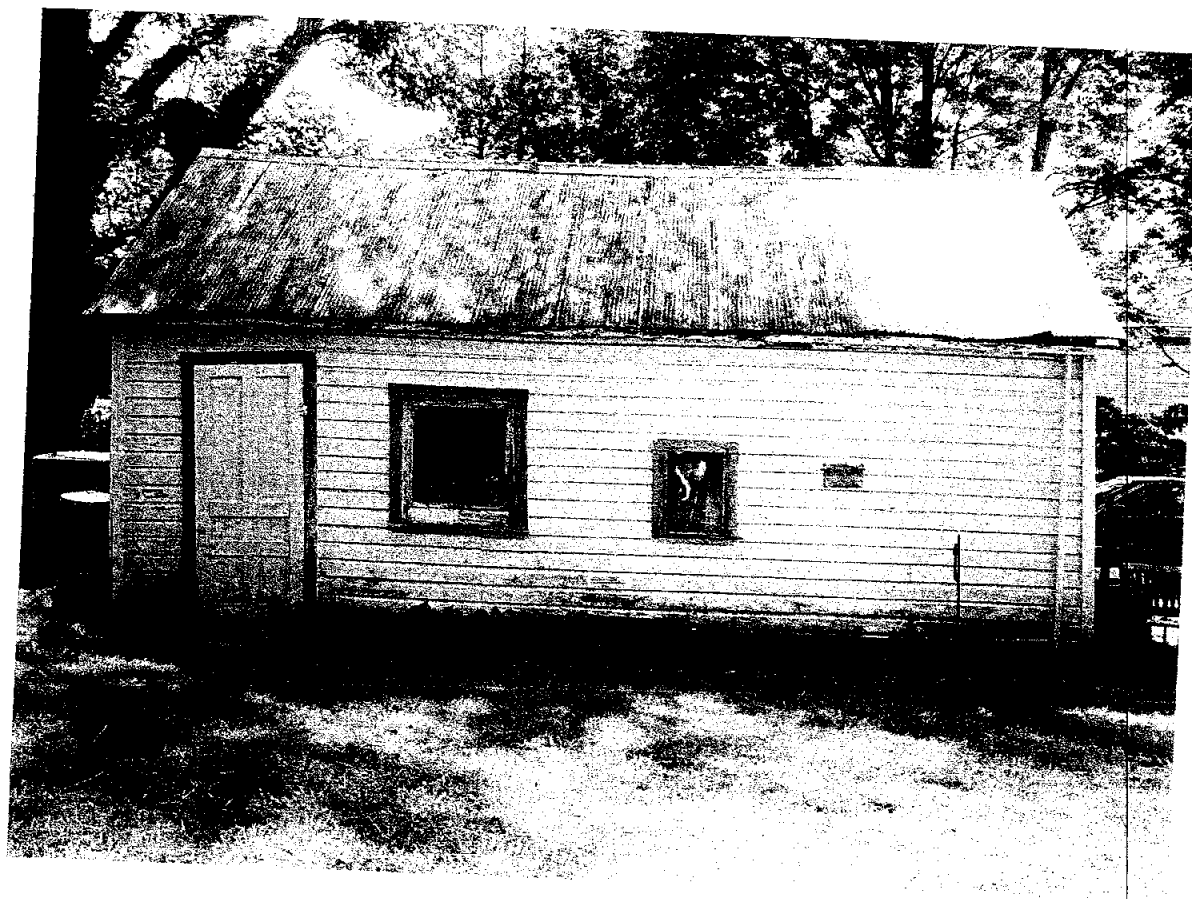
09/19/06



Existing Garage located at 17 Walker Avenue

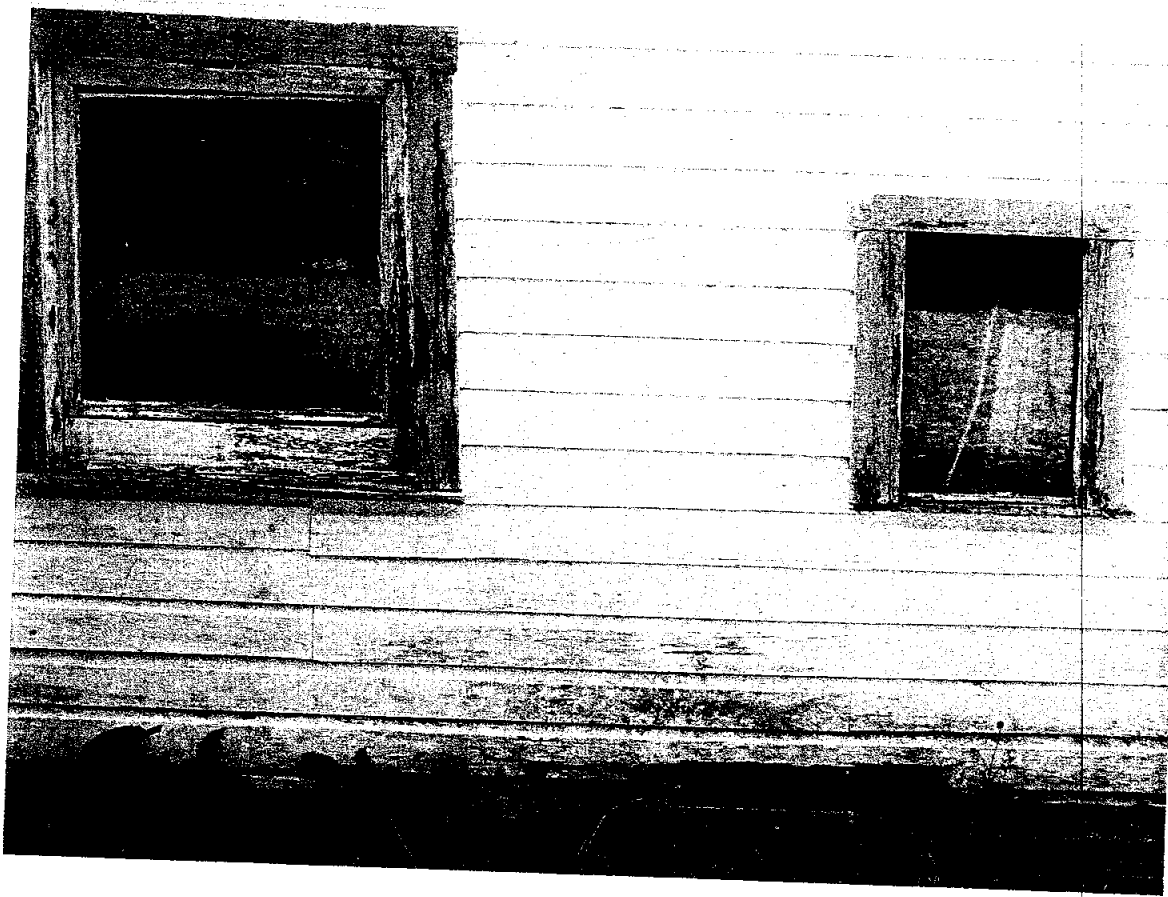


Front View of Existing Garage

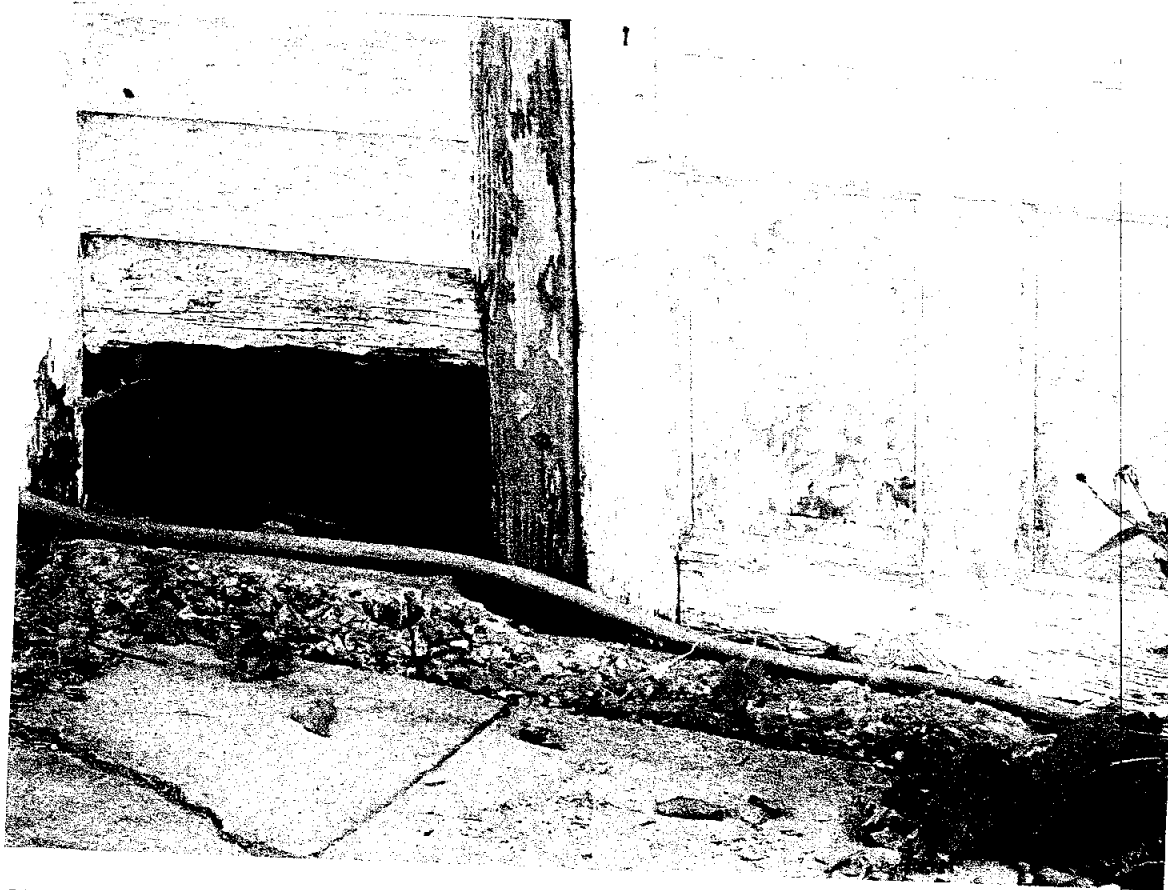


Side View of Existing Garage

HPAC 10-5-06
HAWP-56E
#2



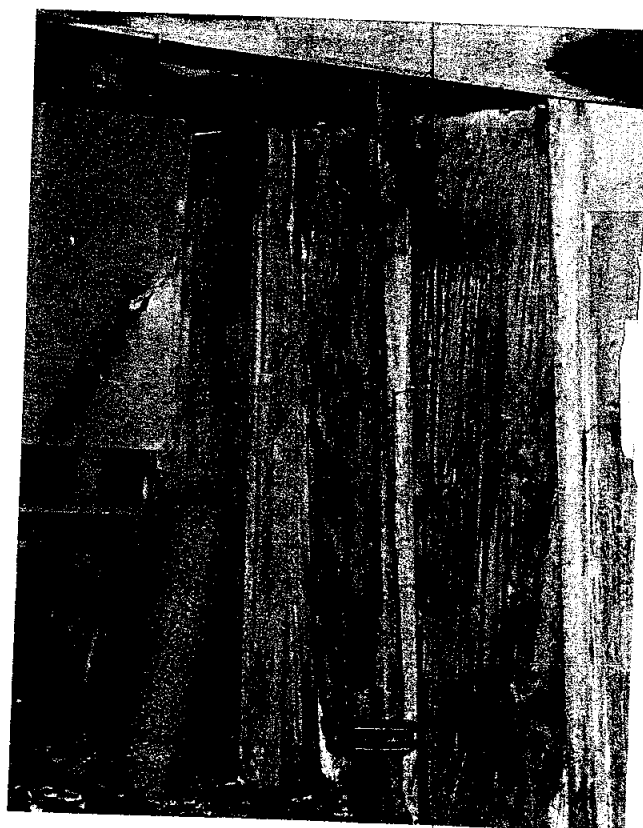
Side View – showing deterioration of garage



Side View – showing deterioration of garage near rear door



Rear View of Existing Garage



Exterior & interior views of deteriorated plywood wall adjacent to neighbors garage (@15 Walker Ave.).

17 WALKER AVE

The Genuine. The Original.



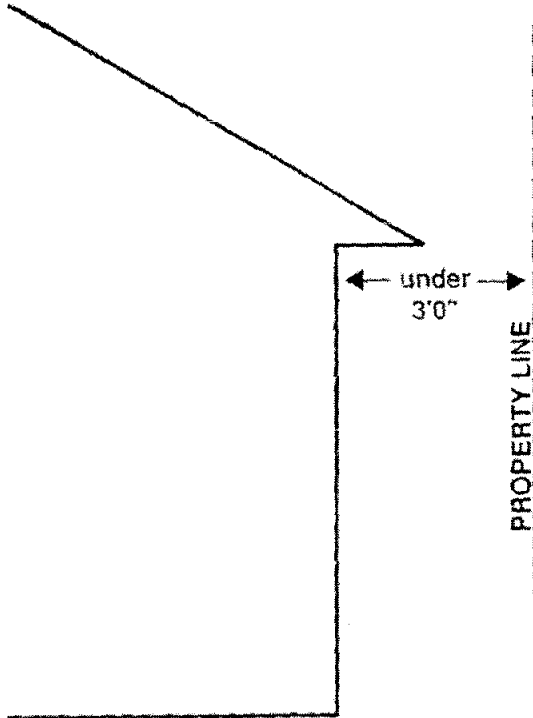
STYLE OF
NEW GARAGE
DOOR.

Facade	Door Size	Door Series	Door Color
Current Specifications			
Door Size: 8 foot		Door Color:	
Door Series: Renaissance Collection		Panel Style:	
Construction: Renaissance Collection		Door Opener:	
Window Style: Stockbridge			

HPAC 10-5-06
HAWP-56E
#11



REQUIRED FIRE RESISTANCE RATINGS BETWEEN STRUCTURES

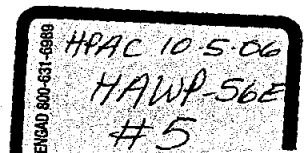


Roofs - If Less Than 3'0" From The Property Line

1. Roof sheathing shall be fire retardant treated (per ASTM E-84) for the first four feet (4'0").
2. Roof covering shall have at least a class C fire rating for the first four feet (4'0").
3. Soffit and fascia material shall be non-combustible (per ASTM E-136) or fire retardant treated (per ASTM E-84).
4. No openings of any kind will be allowed in soffits (eg., attic vents).
5. Roof shall not extend to or beyond property line.

Walls - If Less Than 3'0" From The Property Line.

1. Shall be rated from both inside and outside to provide at least one hour rated protection.
2. Shall not have any openings of any kind, unless fully sprinklered.
3. If fully sprinklered, a maximum of 15% of the wall area may consist of openings.
 - open areas must be reasonably distributed over the entire wall area and not clustered into large opening(s).



ACCESSORY STRUCTURES

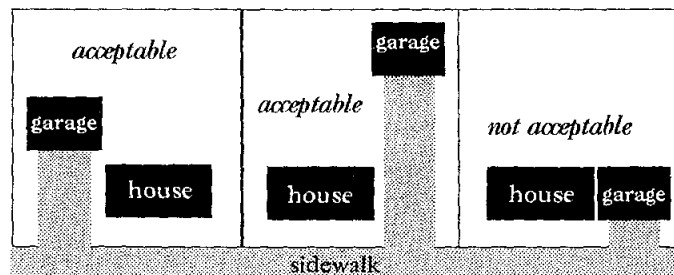
Accessory structures are important to the site and context of the neighborhood as is the main house and should be well maintained. These include outdoor storage sheds, trash receptacles (screened or concealed), and children's play equipment.

- ♦ Accessory structures shall follow the requirements in Section 24-163 of the City Code, as may be amended from time to time.
- ♦ Accessory structures shall be located only in the rear yard.
- ♦ A residential improvement permit is required to install an accessory structure, e.g., a shed.

GARAGES

In the historic district limitations for garages are more extensive than for other accessory structures.

- ♦ Garages are set back from the rear of the house, stand alone, and are not connected to the main house by any enclosed or covered structure.



- ♦ Generally, new garage roofing and siding are of the same material as the main house. Historic garage materials may differ from the main house and should be preserved. If the garage was originally constructed of a different material than it is made of now, it should be restored to its original material in shape and texture whenever possible.
- ♦ A replacement garage is defined as one that is of the same size, structure, and style as the original. Replacement garages can be rebuilt on the same location as the original, provided the original garage is not demolished until after plan approval. If the replacement garage is not of the same size, structure, and style as the original, it will be defined as a new structure.
- ♦ New garages must harmonize with the character of the neighborhood and be compatible with existing structures in height, scale, materials, roof shape, windows, etc. Synthetic siding such as aluminum or vinyl should be avoided.

- (e) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the zone in which it is located.
- (f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. No. O-2-65, art. 1, § 4; Ord. No. O-18-82, § 1)

Sec. 24-20. Repairs and maintenance.

On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement value of the structure; provided, that the cubic content of the structure shall not be increased.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. No. O-2-65, art. 1, § 4)

Sec. 24-21. Uses under exception provisions not nonconforming uses.

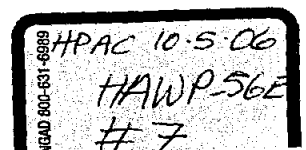
Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such zone.

(Ord. No. O-2-65, art. 1, § 4)

Sec. 24-21.1. Enlargement, relocation, replacement, repair or alteration of nonconforming structures.

Anything to the contrary in this chapter notwithstanding, the planning commission shall be authorized to permit any nonconforming structure, or any structure occupied by a nonconforming use, to be enlarged, relocated, replaced, repaired or structurally altered in any zone upon a finding by the commission that such work will not adversely affect the use or development of any other property, upon such conditions as the commission shall find necessary to avoid such adverse effect.

(Ord. No. O-07-78)





Gaithersburg
A CHARACTER COUNTS! CITY

September 22, 2006

Ashby Tanner, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Ashby:

Please publish the following legal advertisement in the **September 27, 2006**, issue of the *Gaithersburg Gazette*.

Sincerely,

Jacqueline Marsh
Jacqueline Marsh, Planner
Planning and Code Administration

ASSIGN CODE: HAWP-56E

NOTICE OF PUBLIC HEARING

The Historic Preservation Advisory Committee of the City of Gaithersburg will conduct a public hearing on HAWP-56E, filed by Karyn and Mark Ryan, on

**THURSDAY
OCTOBER 5, 2006
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests a certificate of approval from the City's Historic District Commission for a replacement garage at **17 Walker Avenue**. §24-228 of the City Code (Zoning Ordinance) requires a historic area work permit for altering exterior features of a historic resource. The subject property, located on Lot 17 of the Walker's Addition to Gaithersburg, is a contributing resource to the Brookes, Russell, Walker Historic District.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

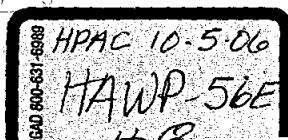
Jacqueline Marsh, Planner
Planning and Code Administration
Acct# 133649

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitthersburgmd.gov • www.gaithersburgmd.gov

MAYOR
Stacey A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Michael A. Sosna

CITY MANAGER
David B. Hampton





Gaithersburg

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF PUBLIC HEARING

The City of Gaithersburg Historic Preservation Advisory Committee will conduct a public hearing at the time and place noted below.

Meeting: **Historic Preservation Advisory Committee**
Application Type: **Historic Area Work Permit Request**
File Number: **HAWP-56DE**
Location: **17 Walker Avenue**
Lot 17 of Walkers Addition to Gaithersburg
Applicant: **Karyn and Mark Ryan**
Development: **Brookes, Russell, Walker Historic District**
Day/ Date/Time: **Thursday, October 5, 2006, 7:30 p.m.**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL**
31 SOUTH SUMMIT AVENUE

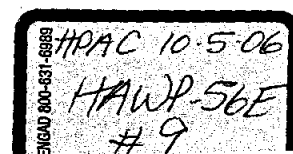
*****IMPORTANT*****

The application requests a certificate of approval from the City's Historic District Commission for a replacement garage at **17 Walker Avenue**. Section 24-228 of the City Code (Zoning Ordinance) requires a historic area work permit for altering exterior features of a historic resource. The subject property, located on Lot 17, Walkers Addition to Gaithersburg, is a contributing resource to the Brookes, Russell, Walker Historic District. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

CITY OF GAITHERSBURG

By: Jacqueline Marsh
Jacqueline Marsh, Planner
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



NOTICES SENT THIS 25th DAY OF SEPTEMBER, 2006, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

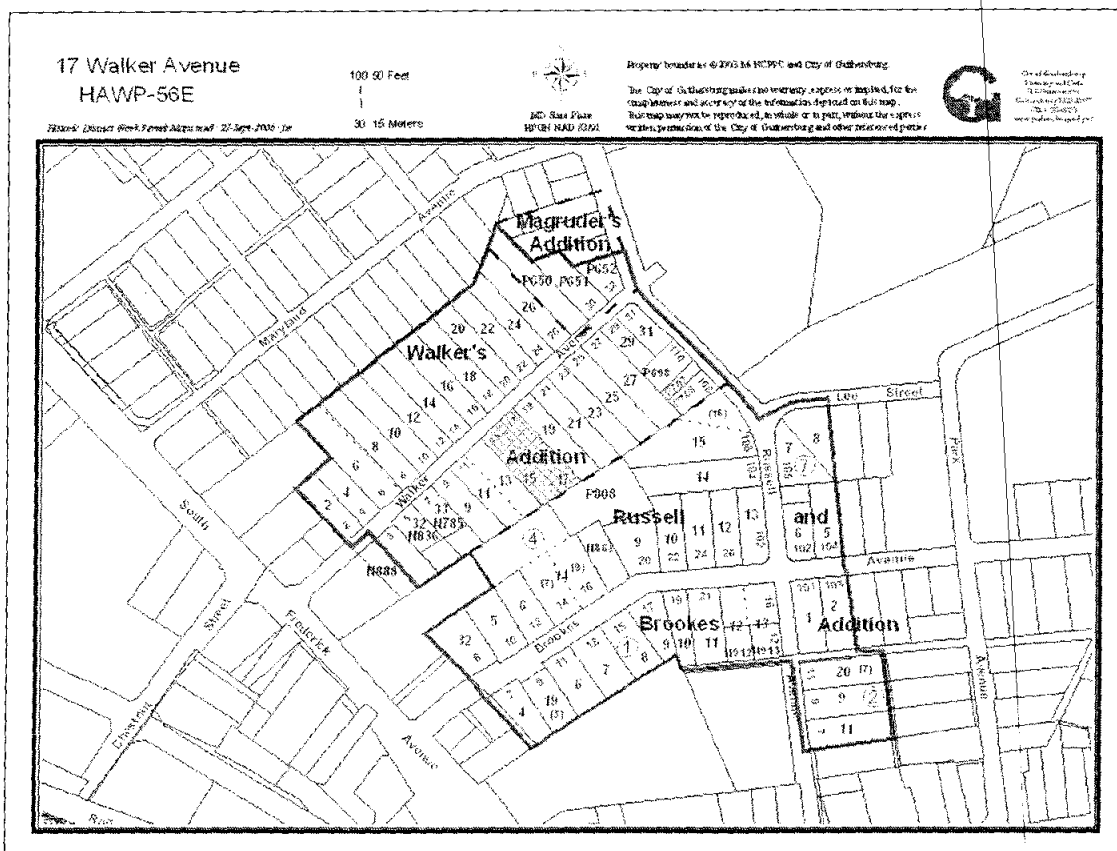
HISTORIC PRESERVATION ADVISORY COMMITTEE

HISTORIC DISTRICT COMMISSION

CITY STAFF

David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Cathy Borten, City Attorney
Britta Monaco, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)

LOCATION MAP



OCCUPANT
301 RUSSELL AVE
GAITHERSBURG MD 20877

OCCUPANT
104 RUSSELL AVE
GAITHERSBURG MD 20877

OCCUPANT
22 BROOKES AVE
GAITHERSBURG MD 20877

OCCUPANT
20 BROOKES AVE
GAITHERSBURG MD 20877

OCCUPANT
14 BROOKES AVE
GAITHERSBURG MD 20877

OCCUPANT
11 WALKER AVE
GAITHERSBURG MD 20877

OCCUPANT
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GAITHERSBURG MD 20877

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GAITHERSBURG MD 20877

OCCUPANT
32 WALKER AVE
GAITHERSBURG MD 20877

OCCUPANT
31 WALKER AVENUE
GAITHERSBURG MD 20877

OCCUPANT
106 RUSSELL AVE
GAITHERSBURG MD 20877

OCCUPANT
12 BROOKES AVE
GAITHERSBURG MD 20877

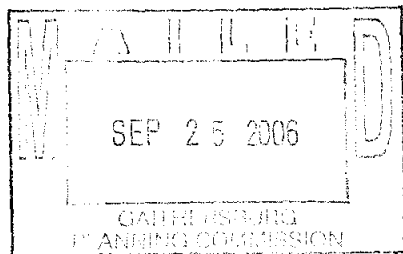
OCCUPANT
5 WALKER AVENUE
GAITHERSBURG MD 20877

OCCUPANT
2 WALKER AVE
GAITHERSBURG MD 20877

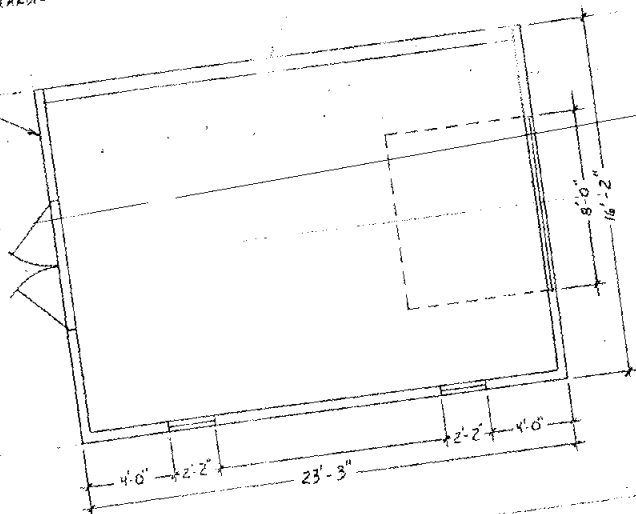
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4 WALKER AVE
GAITHERSBURG MD 20877

OCCUPANT
6 WALKER AVENUE
GAITHERSBURG MD 20877

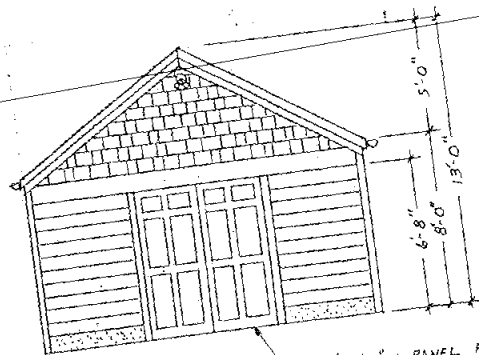
OCCUPANT
119 N FREDERICK AVE
GAITHERSBURG MD 20877



2x4 WALL, 1/2" OSB,
HARDI PLANK, HARDI SHINGLE



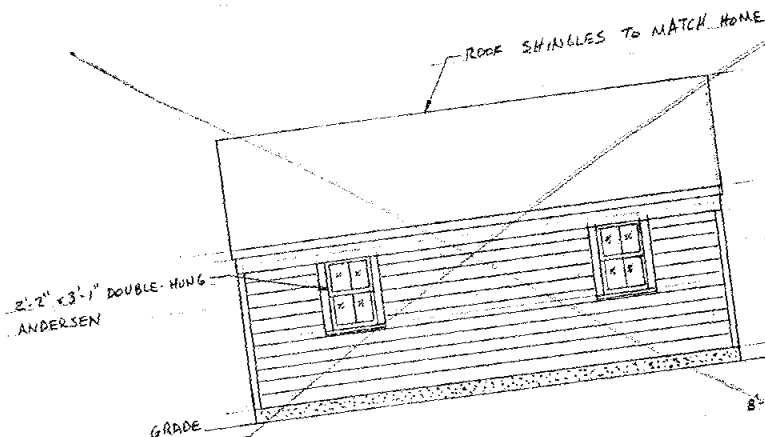
PLAN



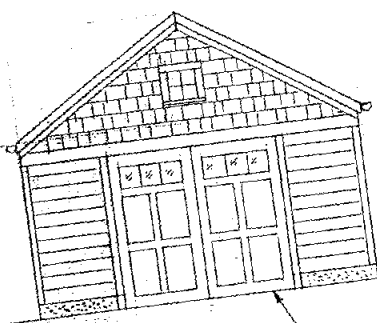
REAR ELEVATION

3'-0" x 6'-8" 6-PANEL FIBERGLASS DOOR

HPAC 10-506
HAWP-56E
#10
PENCAD 800-631-6989

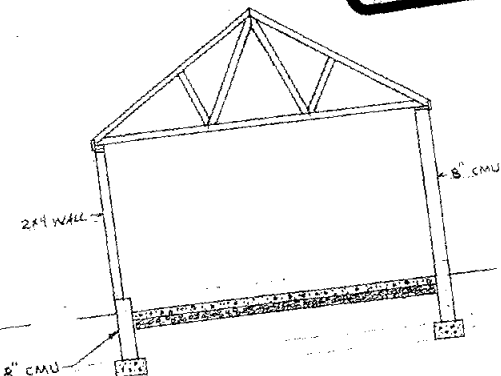


NORTH ELEVATION



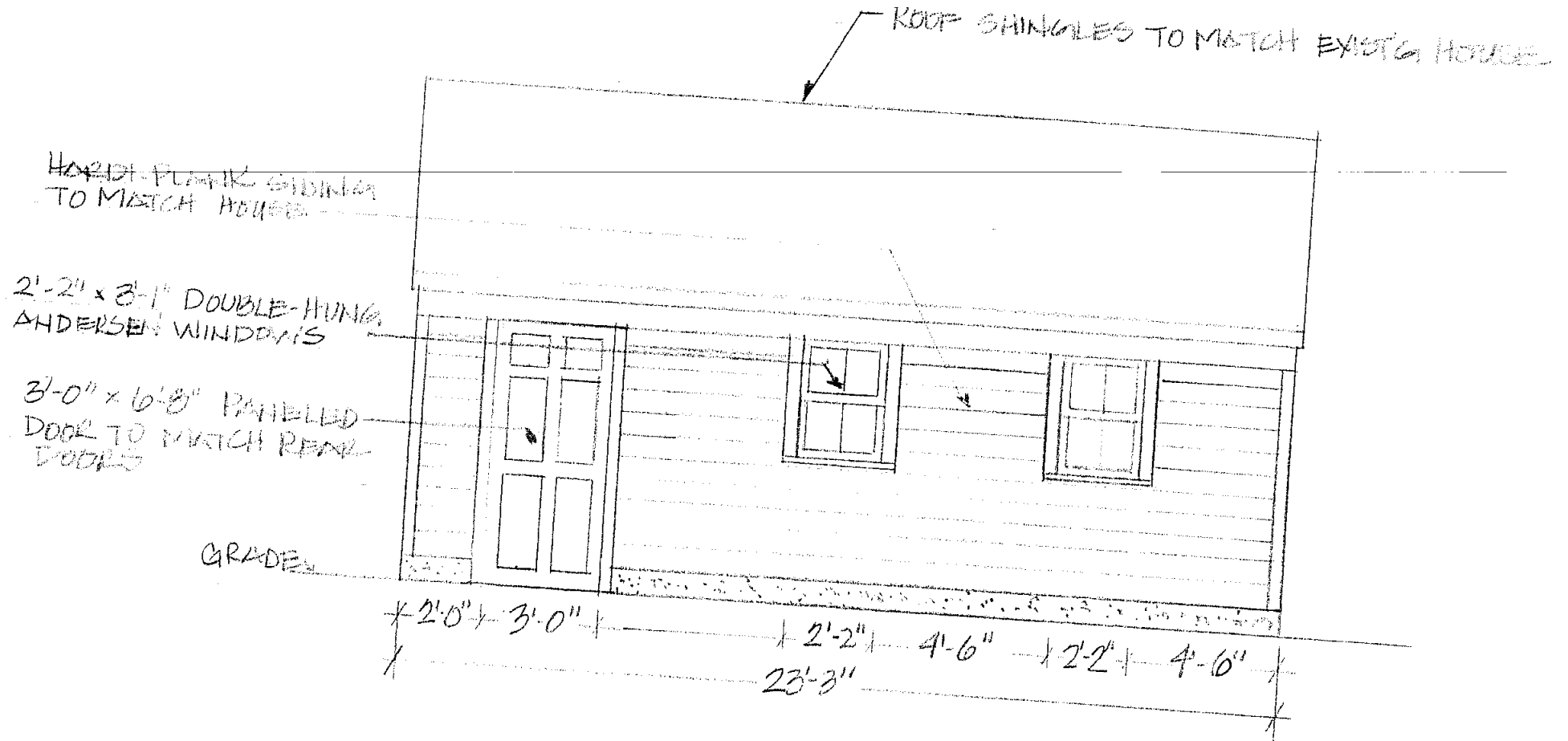
FRONT ELEVATION

8'-0" W x 7'-0" H CARRIAGE-STYLE OVERHEAD DOOR



SECTION

HARVEST CONSTRUCTION		DESIGNED BY J. LEWIS
SCALE 1/4" = 1'-0"	APPROVED BY	CHECKED
DATE 10-25-06		
RYAN GARAGE, 17 WALKER AVENUE		



NORTH ELEVATION

GARAGE - 17 WALKER AVE.

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877

DRAFT

**MINUTES OF THE
HISTORIC PRESERVATION ADVISORY COMMITTEE
OCTOBER 5, 2006**

Chairman Arkin called the meeting to order at 7:30 p.m. Members present: Vice Chair Cathy Drzyzgula, Member Ronda Bernstein (arrived at 7:37 p.m.), Joe Coratola and Warren Johnson. Absent: Erin Moyer. Staff Present: Patricia Patula, Planner, Jacqueline Marsh, Planner, and Charlene Milton, Recording Secretary.

I. DISCUSSION ITEMS

Chairman Arkin stated the Historic District Commission is having a special meeting on October 9, 2006 to discuss HAWP-37E, Applicant Mr. Halici, Demolition Request of the Hair Bar (Talbot House). The next regular scheduled hearing for the Historic District Commission is October 16, 2006.

Chairman Arkin requested the minutes of August and September be discussed after the public hearings.

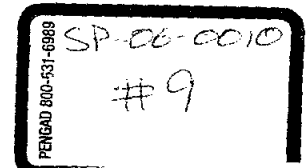
(Member Ronda Bernstein arrives at 7:37 p.m.)

II. PUBLIC HEARINGS

1. HAWP-56E Applicant: Karyn and Mark Ryan
17 Walker Avenue
Request: Replacement Garage

Planner Jacqueline Marsh stated the public hearing was advertised in the September 27, 2006 issue of the *Gaithersburg Gazette*, the property posted, and 17 exhibits were in the record file. An additional exhibit, Exhibit 17, depicts a new elevation of the North elevation of the garage. The property is a contributing resource to the Brookes/Russell/Walker Historic District.

Ms. Karyn Ryan, applicant, stated the application is for replace the existing garage in a like manner. The existing garage is in very bad disrepair and beyond salvaging. The applicant would like to tear down the existing garage, pour a concrete slab, and place a concrete wall on the wall adjoining the adjacent property. The exterior of the new garage will be hardiplank lap siding to match the new addition that was approved two months ago, the roof will match the existing house. The main change is the two carriage style doors which are currently not eight feet wide and replace with a roll-up door that looks like a carriage type door. The structure itself is not wide enough to put two doors to match the existing garage. The roll-up door was chosen because the applicant may chose to park a vehicle in the garage in the future.



Chairman Arkin inquired if the new garage will be the same dimension as the existing garage.

Ms. Ryan stated yes.

Member Drzyzgula inquired if the shingles in the gables are semititious or wood.

Ms. Ryan stated the shingles would be semititious.

Member Arkin inquired about the difference in style of the shingles in the front of the garage as the current shingles are shell shaped and the drawing depicts rectangular shingles. He also inquired if any history of the building was known.

Ms. Ryan stated they are currently asphalt shingles on the front of the garage and not sure what period they may have been attached. She suggested maybe the forties or fifties era.

Member Coratola inquired in the placement of the garage precluded the overhangs of the right side of the roof as it is shown in the drawing.

Ms. Ryan stated the reason for the tight overhangs was because there is only a foot to a foot and a half between their property and the adjacent garage. Water is the major issue as there aren't any gutters currently on the roof which is causing both structures to deteriorate and the builder is trying to keep the roof symmetrical.

Mr. Mike Stumburg, 15 Walker Avenue, fully supports the applicant and intends on replacing his garage as well. His property is the adjacent garage and he and the applicant have discussed the possibilities of replacing the garages.

Member Arkin inquired if he was the owner on the property side or the garage side. He also inquired about the overhang and the impact it may have on his garage.

Mr. Stumburg stated he owns the garage that is one foot from the applicant's garage and his garage is in an equal state or disrepair. He stated he is in favor of the limited overhang and he would also have a limited overhang when he replaces his garage.

Member Drzyzgula stated if the overhangs were limited then it would be possible to put a ladder in between the two garages if one needed to access the roof.

Member Arkin inquired if the applicant has considered relocating the garage a foot or two to allow more space between the two garages.

Ms. Ryan stated they considered the possibility but then the garage would be closer to the house. The applicant also stated if they had proposed relocating the garage, the process for approval may have been more difficult because it is so close to the property line.

Member Coratola also mentioned there would more than likely be an access problem.

Member Drzyzgula stated the application met the guidelines for placement; the garage is being built with the same appearance as the existing garage, the semititious replacement of wood and disagrees with requiring extra space between the property lines because it ends up being yard space that can't be used. The yard is only sixty feet wide to start with and it makes a difference. She commended the effort put forth on the application.

Member Coratola also commended the applicant in the extent they went to replicate the existing the garage while maintaining modern use for it.

Member Bernstein inquired to the committee why the building was not in conformance.

Planner Marsh stated it is because of the location of the garage. Garages must be three feet away from the property line.

Member Johnson agreed with the before mentioned and sees no problem with the application.

Member Arkin addressed the applicant and Mr. Stromburg if the present location of the garage satisfied them with the adequate space between their garages as to maintain each of their garages.

Member Bernstein inquired if a single door could be placed on either side of the roll-up door to give the garage the appearance of the four doors that are on the existing garage and still keep its usefulness. She also verified if the committee was to ask for specification of the shingles to be exactly as they appear now, would that be a problem.

Ms. Ryan said they proposed the roll-up carriage style door because of support issues. The door on each end would need support and will have to be smaller in size. The appearance will not be the same if the additional two doors would be added. The current shingles on the garage are asphalt and would like to replace them with cedar shakes as the house has. She asked the committee if they received the revised north elevation drawing which shows the door and two windows on the side versus the two windows.

Member Arkin inquired about the gable in the existing garage and if that would be replicated with the new garage. He stated he liked the charm with the four doors but understand it needs to be a functional garage. He didn't feel it was an essential part of the construction and the application was very commendable.

There was no other testimony presented in favor of or in opposition to the application.

Motion was made by member Drzyzgula, seconded by Member Bernstein, to close the public hearing on HAWP- 56E.

Vote: 5-0

Motion was made by Member Johnson, seconded by Member Coratola that HAWP-56E be recommended for approval finding the application in compliance with Secretary of Interior Standards

#9, which states that new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The application is also in compliance with Secretary of Interior Standards #6 which states that deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary physical or pictorial evidence. The proposed replacement of the deteriorated garage is the same dimension and encaptures the character of the existing structure. The new replacement garage is in compliance with the Brookes/Russell/Walker Historic District Guidelines.

VOTE: 5-0

III. COURTESY REVIEW

Applicant: Cheryl and Edward Hollier
10 Highland Avenue
Request for a New Garage

STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: November 1, 2006

SITE PLAN: **SP-06-0010**

TITLE: Ryan Property - 17 Walker Avenue

REQUEST: **FINAL PLAN APPROVAL**
For garage replacement - Alteration to a non-conforming structure

ZONE: R-90 (Medium Density Residential)

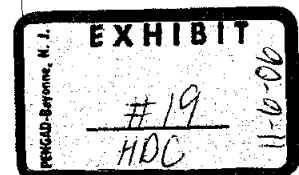
APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Applicant/Owner: Karyn Ryan

STAFF PERSON: Jacqueline Marsh, Planner

Enclosures:

Staff Comments
Exhibit 1: Site location map
Exhibit 2: Application
Exhibit 3: House location plat showing location of garage
Exhibit 4: Photographs of existing garage
Exhibit 5: Proposed garage elevations
Exhibit 6: Updated north elevation of garage
Exhibit 7: Example style of new garage door
Exhibit 8: §24-21.1 of the City's Zoning Ordinance
Exhibit 9: DRAFT minutes from October 5, 2006 HPAC meeting



STAFF COMMENTS

Site plan SP-06-0010, submitted by Karyn Ryan, is a request for the replacement of an existing garage at 17 Walker Avenue. The subject property is located north of Brookes Avenue, east of North Frederick Avenue, west of Russell Avenue, and south of Maryland Avenue (Exhibit #2). The property is also in the Brookes, Russell, Walker Historic District, located in the R-90 (Medium Density Residential) Zone. The reason this request has been labeled a site plan is because there is no existing site plan for the Russell and Brookes subdivision. This is a request to alter a nonconforming structure.

It has been determined the existing garage at 17 Walker Avenue is a nonconforming structure and requires Planning Commission approval to be replaced. The garage is nonconforming because it is less than one foot from the side property line (Exhibit #3). Section 24-21.1. – "Enlargement, relocation, replacement, repair or alteration of nonconforming structures" states:

"Anything to the contrary in this chapter notwithstanding, the planning commission shall be authorized to permit any nonconforming structure, or any structure occupied by a nonconforming use, to be enlarged, relocated, replaced, repaired or structurally altered in any zone upon a finding by the commission that such work will not adversely affect the use or development of any other property, upon such conditions as the commission shall find necessary to avoid such adverse effect."

This section of the City's Zoning Ordinance allows the Planning Commission to approve the replacement of the garage in its existing location. If the garage was new construction, it would have to be placed at least two feet away from the property line, as per §24-163(b)(4).

The garage is 16.2 feet wide by 23.3 feet long (a total of 377.46 square feet). The new garage is the same size and going to be located in the same location as the existing garage. It is not proposed to be enlarged or be placed in a different footprint. It will have hardi-plank siding and asphalt shingles, both of which will match the house. Exhibits #5 and #6 show the garage elevations.

The garage received a recommendation for approval from the Historic Preservation Advisory Committee (HPAC) on October 5, 2006, meeting (Exhibit #9). Following the Planning Commission decision, the Historic District Commission (HDC) must grant final approval.

Conclusion. Staff recommends granting **SP-06-0010, 17 Walker Avenue, FINAL PLAN APPROVAL, FINDING IT IN COMPLIANCE WITH §§ 24-170 and 24-21.1, WITH THE FOLLOWING CONDITION:**

1. **Applicant must receive final approval for the garage by the HDC.**